



# MINORITY & WOMEN BUSINESS ENTERPRISE COMMISSION (MWBE)

## MINUTES

The regular meeting of the Minority and Women Business Enterprise Commission was called to order by Clarence Boykins, Chairperson, on Thursday, July 19, 2007, at 5:53 p.m., in the Office of Equal Opportunity Programs (OEOP) and Independent Police Review Conference Room, 100 North Stone Avenue, Suite 109, Tucson, Arizona.

### 1. Check-in/Roll Call

#### Members Present:

Marlene Ashton  
Andee Leisner  
Deborah Munoz-Chacon  
Vacancy  
Walter Soto  
Clarence Boykins

#### Appointed by:

Mayor  
Ward 2  
Ward 3  
Ward 4  
Ward 5  
Ward 6

#### Members Absent:

Eddie Muniz

#### Appointed by:

Ward 1

#### Others Present:

Lyle Rayfield, Manager, Office of Equal Opportunity Programs and Independent Police Review  
Mark Neihart, Procurement Department Director  
Jennifer Gillaspie, Procurement Department Administrator  
James Gaston, Secretary/Treasurer, National Forum for Black Public Administrators

### 2. Approval of Minutes

Motion by Commissioner Soto and seconded by Commissioner Leisner to approve the minutes of June 28, 2007, as revised, passed by a vote of 4 to 0.

### 3. Commission Membership & Requirements

The Commission discussed possibilities for increasing their membership and/or decreasing Commission member absences so that scheduled meetings would not be cancelled for lack of a quorum. The Commission requested that OEOP provide information on the procedures for requesting a change to a City Ordinance.

### 4. City of Tucson Procurement Awards

Mark Neihart, Procurement Department Director, gave a presentation on the City's Procurement process. Some of the areas covered included division responsibilities, public law in relation to public expenditures, and types of products and services purchased by the City. Mr. Neihart also spoke about bid Code thresholds, formal solicitation options, and the procurement process from requisition to award to payment.

A discussion followed Mr. Neihart's presentation, including the advantages and disadvantages of Job Order Contracts (JOC). Commissioner Ashton stated that although she is personally opposed to JOCs, she believes they are appropriate in some instances, particularly for smaller contracts. Commissioner Soto stated that he believes the JOC program is not in the best interest of the citizens and the taxpayers and asserted that the Procurement Department awarded a JOC last year to M. Anderson to build a brand new park, instead of soliciting bids under a regular contract. The park is located at the corner of 25<sup>th</sup> Street and 9<sup>th</sup> Avenue. Mr. Neihart commented that the City often contracts for park area improvements under a JOC, but he was not aware that a JOC was ever issued to build a new park. Commissioner Soto restated his assertion and clarified that this was a "brand new park built under a JOC." Commissioner Soto also commented that he donated money to fix up the park when a fire burned it down; however, he did not know the name of the park. Ms. Gillaspie responded and concurred with Mr. Neihart's statement that the City issues JOCs for park area improvements, but she also was not aware that a JOC had ever been issued to build a new park. Commissioner Soto then commented that he was not 100% sure whether the park was actually a City or a County contract. Commissioner Boykins stated that he would like to know more about it if it was a City contract.

Commissioner Ashton asked to be recognized and commented that overall, from her own experience, the Procurement Department, as well as other City departments, including OEOP, have been professional, cooperative, and helpful. She stated that it is not the Commission's job to do the City's job and suggested that the Commission have faith and confidence in the City to do its job.

Under this item, Commissioner Soto also posed his "trick question of the day" to Procurement, regarding selection criteria as listed in the Arizona Revised Statutes (ARS). Ms. Gillaspie responded. Commissioner Soto questioned Ms. Gillaspie's knowledge of the criteria by asking additional questions and then clarifying her responses by citing the requirements as given under ARS. Commissioner Soto commented on the "problem...with selection committees" and a brief discussion ensued. Ms. Gillaspie further commented that Procurement is always interested in contractor volunteers to serve on a selection committee.

## **5. Retaliation Ordinance Subcommittee Report**

OEOP was unable to locate information on retaliation ordinances from the requested cities (Atlanta, Philadelphia, and Washington, D.C.); therefore, no reports were available for subcommittee review. OEOP will continue to research this data.

There was a discussion about retaliation and Commissioner Soto commented that he was aware of an individual who had been discriminated against in the Procurement process by the City. Commissioner Soto identified the individual as Ramon Carrasco, a local plumber whose long-term contract with the City ended with the implementation of JOCs. Commissioner Soto suggested that Mr. Carrasco be contacted for information on how he was retaliated against by this process. Commissioner Boykins requested that this allegation be put in writing, as agreed to by the Commission, so that the Commission could move forward on investigating this issue. Commissioner Boykins subsequently asked for Mr. Carrasco's telephone number and said that he would call him to discuss this issue and to see if we can move this issue forward.

Agreement to table the Retaliation Ordinance Subcommittee Report to the top of the next agenda.

## **6. Subcontractor Performance Standards**

Agreement to table Item 6 to the top of the next agenda.

## **7. MWBE Newsletter**

Agreement to table Item 7 to the top of the next agenda.

**8. Governor's Initiative – AZ Steps Up**

Agreement to table Item 8 to the top of the next agenda.

**9. Call to the Audience**

James Gaston, Secretary/Treasurer of the Tucson Chapter of the National Forum for Black Public Administrators, spoke to the Commission about the organization. The goals of the organization include: to help develop and promote Black public administrators and to attract college graduates into the Public Administration profession; to help minority businesses understand and compete for business in Tucson and the surrounding community. He came to tonight's meeting to learn about the MWBE Commission's process and goals, as it applies to his organization's ability to assist minority businesses. He commented that he was surprised that no minority or woman-owned businesses were present at the meeting to observe the process and interact with the Commissioners.

Commissioner Ashton asked to be recognized. She commented that she has had a few explosions in past Commission meetings and they were all about the same thing - criticizing. She stated that "when we (the Commission) criticize the City....we need to be factual...we can't pull things out of the air...it really discredits us when we make statements and we can't back them up....we can't be productive if we are not factual....it makes us look like we are a bunch of fools getting together....and doing nothing." She requested that the Commission be factual in their criticisms; Commissioner Boykins concurred and stated that this was also his request at the last Commission meeting.

**10. Future Agenda Items**

Report from OEOP on the procedure to change a City Ordinance  
Retaliation Ordinance Subcommittee Report  
Subcontractor Performance Standards  
MWBE Newsletter  
Governor's Initiative – AZ Steps Up  
Certification Process

**11. Adjournment**

Motion by Commissioner Leisner and seconded by Commissioner Soto to adjourn, passed by a vote of 4 to 0.

Adjournment at 7:35 p.m.